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BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			LOFTIS, JOHNNA RONEE	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/800,069

Filing Date: March 06, 2001

Appellant(s): FARENDE, ROSE MARY

John S. LeRoy
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 4/27/06 appealing from the Office action mailed
8/12/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

09/800,986

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

NEW GROUND(S) OF REJECTION

Claims 1-5 and 7-18 stand rejected under 35 USC 103(a) as being unpatentable over US Patent No. 6,662,194 to Joao in view of "My Monster" from Monster.com. Claim 6 stands rejected under 35 USC 103(a) as being unpatentable over US Patent No. 6,662,194 to Joao in view of "My Monster" from Monster.com, further in view of Fergerson et al, US 5,966,697.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The following is a listing of the evidence (e.g., patents, publications, Official Notice, and admitted prior art) relied upon in the rejection of claims under appeal.

6,662,194 Joao 12-2003

Monster.com PC Magazine, pg 170. May 25, 1999

Monster.com Launch Marks Creation of World's Leading Global Online Network for Careers.

Business Wire, p 1133. Jan 12, 1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao, US 6,662,194, in view of My Monster from Monster.com. Two articles are relied upon, “Monster.com Launch Marks Creation of World’s Leading Global Online Network for Careers” and “Monster.com”

As per **claim 1**, Joao teaches receiving input defining a candidate's employment credentials (column 14, lines 46-60; column 21, lines 33-40 – candidates enter personal information concerning employment credentials, education, experience, skills, etc., is stored);

presenting at least one employment opportunity that best matches the candidate's employment credentials (column 22, lines 42-54 – a report of matching jobs are listed); receiving input requesting consideration for the at least one employment opportunity that best matches the candidate's employment credentials (column 22, line 54 – column 23, line 13 – the candidate indicates which job he/she is interested in applying for); and presenting the candidate with an invitation to an employer-hosted recruiting event based on a comparison between the candidate's employment credentials and candidate matching criteria associated with the at least one employment opportunity (column 24, lines 22-49 – once both the candidate and employer express interest, the employer and the individual may proceed with the interview, employment screening and/or recruitment process). Joao teaches an online job search system but does not teach additionally comprising presenting an icon for retaining the at least one employment opportunity wherein the candidate re-accesses the icon upon subsequent log-in. My Monster from monster.com includes a password-protected area where members are able to store information concerning job searches, application histories, resumes, etc (“Monster.com” page 2, “my monster” paragraph). Since Joao teaches an online job search system wherein a candidate can enter search criteria it would have been obvious to one of ordinary skill in the art to incorporate Monster's “my monster” feature wherein a user can store information concerning job searches in a password protected area of the website. This added feature allows a user to more quickly retrieve previous job searches, resumes, etc.

As per **claim 2**, Joao teaches presenting a candidate with an employment skills questionnaire (column 14, lines 46-60; column 25, lines 36-44 – the candidate enters personal information concerning employment credentials, education, experience, skills, etc.,); and

presenting the candidate with an invitation to an employer-hosted recruiting event for further evaluation based on a comparison between the candidate's response to the employment skills questionnaire and candidate matching criteria associated with at least one employment opportunity (column 24, lines 22-49 – once both the candidate and employer express interest, the employer and the individual may proceed with the interview, employment screening and/or recruitment process).

As per **claim 3**, Joao does not explicitly teach the site is additionally programmed to present an invited candidate with an employer offer prior to the conclusion of the employer-hosted recruiting event. It is old and well known in the art of recruiting to present and offer of employment. Joao does teach communication between the candidate and the employer using several means of electronic communication. Therefore it would have been obvious to indicate and offer of employment to the candidate through the site since this would be a quicker method of communicating with the candidate.

As per **claim 5**, Joao does not explicitly teach the icon is configured to receive input requesting consideration for the at least one retained employment opportunity. My Monster from Monster.com teaches applying to the jobs through the personalized My Monster page. Since Joao teaches an online job search system wherein a candidate can enter search criteria it would have been obvious to one of ordinary skill in the art to incorporate Monster.com's "my monster" feature wherein a user can store information concerning job searches and apply to jobs in a password protected area of the website ("Monster.com", page 1, paragraph 5). This added feature allows a user to more quickly retrieve previous job searches, resumes, etc, and to contact the employer to apply for the position.

As per **claim 6**, Joao does not explicitly teach the icon is configured to receive input for selecting and deleting a retained employment opportunity. My Monster from Monster.com teaches selecting a saved job description to apply for (“Monster.com” page 1, paragraph 4 and 5). Since both Joao and Monster.com teach internet job search systems, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the My monster features of Monster.com into Joao so the candidate could access stored job search results and select and apply to them. This modification gives the user the ability to have a more efficient way to retrieve past information to simplify the task of searching for a job. While the combination does not explicitly teach the icon is configured to receive input deleting a retained employment opportunity, official notice is taken that it is old and well known in the art to select and deselect results of a query. For instance, in analogous art such as shopping, a user can search for an item based on criteria wherein the user can select and deselect items from a shopping cart. Since Joao and Monster.com teach a user performing a search based on specific criteria and subsequently viewing and select results, it would have been obvious to one of ordinary skill in the art to incorporate the deletion feature to facilitate deletion of any stored job opportunity. By including the deletion feature, a user can delete any job applied for that did not come to fruition. This would enable the user to keep a more efficient and up to date record of pending jobs.

As per **claim 7**, the combination of Joao and Monster.com does not explicitly teach the icon is configured to receive input for selecting a graphical theme for the icon. However it is old and well known in the art of the Internet for a user to customize a websites. This customization

makes for a more personalized experience for the user and thereby would aid in the retention of that user to the site.

As per **claim 8**, Joao does not explicitly teach the icon is configured to receive input for requesting a detailed description of a retained employment opportunity and present a detailed description of a retained employment opportunity in response to the input. My Monster from monster.com allows a user to retain job search results that would inherently include the ability to click on the results to read a detailed description of the opportunity. Since both Joao and Monster.com teach internet job search systems, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the My Monster features of Monster.com into Joao so the candidate could access stored job search results. This modification gives the user the ability to have a more efficient way to retrieve past information to simplify the task of searching for a job.

As per **claim 9**, the combination of Joao and Monster.com does not explicitly teach the icon is configured to receive input selecting a style of music to be played and play music on response to the music selection. However it is old and well known in the art of the Internet for a user to customize a websites. This customization makes for a more personalized experience for the user and thereby would aid in the retention of that user to the site.

As per **claim 10**, the combination of Joao and Monster.com does not explicitly teach the icon is configured to forward a retained employment opportunity to another candidate. However since Joao teaches the use of electronic communications using email, etc., it would have been obvious for the candidate to forward an employment opportunity to another candidate, so long as

the email address is available. This modification allows a candidate to send a job description on to a friend or colleague who may be interested in that job.

As per **claim 11**, Joao teaches the use of videophones and interactive television in conjunction with the Internet but does not explicitly teach the site additionally programmed to present a candidate with a multimedia presentation introducing a recruiter. However given that Joao teaches the use of videophones and interactive television, it would have been obvious to one of ordinary skill in the art at the time of the invention to introduce the recruiter using a multimedia presentation, this allows for simulated face-to-face contact without incurring the travel that may be associated with a meeting between the candidate and the recruiter.

As per **claim 12**, Joao does not explicitly teach the recruiter that is introduced has an educational or professional background similar to that of the candidate's. Inherently, a recruiter has a similar background to those jobs for which he/she is recruiting; therefore the recruiter would have a similar background to the candidate.

As per **claim 13**, Joao teaches the site additionally programmed to present a candidate with a message center for communicating with recruiting staff during the recruiting process (column 13, lines 1-21 – the employer and candidate can communicate during the recruiting process through a number of ways including email, videophone, interactive television, etc).

As per **claim 14**, Joao teaches the message center presents the candidate with an offer for employment (inherently the communication system can be used to present an offer of employment).

As per **claim 15**, Joao teaches the message center receives candidate scheduling information for the employer-hosted recruiting event. Inherently the communication between the

employer and candidate would include schedule information since interviews and employment screenings are performed (column 24, lines 33-35).

As per **claim 16**, Joao teaches the message center presents the candidate with instructions during the recruiting process (column 23, lines 35-50 – the employer can instruct the candidate to submit additional information).

As per **claim 17**, Joao teaches the message center receives any special needs of the candidate during the recruiting process (column 23, lines 35-50 – the information requested by the employer can include any information of interest to the employer therefore, inherent to this would be special needs of the candidate).

As per **claim 18**, Joao teaches receiving input defining a candidate's employment credentials (column 14, lines 46-60; column 21, lines 33-40 – candidates enter personal information concerning employment credentials, education, experience, skills, etc., is stored); presenting at least one employment opportunity that best matches the candidate's employment credentials (column 22, lines 42-54 – a report of matching jobs are listed); receiving input requesting consideration for the at least one employment opportunity that best matches the candidate's employment credentials (column 22, line 54 – column 23, line 13 – the candidate indicates which job he/she is interested in applying for); and presenting the candidate with an invitation to an employer-hosted recruiting event based on a comparison between the candidate's employment credentials and candidate matching criteria associated with the at least one employment opportunity (column 24, lines 22-49 – once both the candidate and employer express interest, the employer and the individual may proceed with the interview, employment screening and/or recruitment process). Joao teaches an online job search system but does not

teach additionally comprising presenting an icon for retaining the at least one employment opportunity wherein the candidate re-accesses the icon upon subsequent login. My Monster from monster.com includes a password-protected area where members are able to store information concerning job searches, application histories, resumes, etc (“Monster.com” page 2, “my monster” paragraph). Since Joao teaches an online job search system wherein a candidate can enter search criteria it would have been obvious to one of ordinary skill in the art to incorporate Monster’s “my monster” feature wherein a user can store information concerning job searches in a password protected area of the website. This added feature allows a user to more quickly retrieve previous job searches, resumes, etc. In addition, the combination of Joao and My Monster does not explicitly teach the icon is configured to receive input selecting a style of music to be played and play music on response to the music selection. However it is old and well known in the art of the Internet for a user to customize a websites. This customization makes for a more personalized experience for the user and thereby would aid in the retention of that user to the site.

(10) Response to Argument

Appellant argues that the prior art, specifically My Monster from Monster.com, does not provide job seekers with an effective means of retaining employment opportunities prior to applying for them. However, it is noted that the features upon which Appellant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). As claimed, the candidate can retain an

employment opportunity by selecting an icon. As taught in Monster.com, when the user selects the job to apply for it is stored. The selection of the job results in storing of the job opportunity.

Appellant also argues for the first time in the prosecution history that the combination of Joao and Monster.com does not teach deletion of selected job opportunities as recited in claim 6. A new rejection has been introduced which considers these limitations. In analogous art such as shopping, a user can search for an item based on criteria wherein the user can select and deselect items from a shopping cart. Since Joao and Monster.com teach a user performing a search based on specific criteria and subsequently viewing and select results, it would have been obvious to one of ordinary skill in the art to incorporate the deletion feature to facilitate deletion of any stored job opportunity. By including the deletion feature, a user can delete any job applied for that did not come to fruition. This would enable the user to keep a more efficient and up to date record of pending jobs.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

This examiner's answer contains a new ground of rejection set forth in section (9) above. Accordingly, appellant must within **TWO MONTHS** from the date of this answer exercise one of the following two options to avoid *sua sponte* **dismissal of the appeal** as to the claims subject to the new ground of rejection:

(1) Reopen prosecution. Request that prosecution be reopened before the primary examiner by filing a reply under 37 CFR 1.111 with or without amendment, affidavit or other evidence. Any amendment, affidavit or other evidence must be relevant to the new grounds of rejection. A request that complies with 37 CFR 41.39(b)(1) will be entered and considered. Any request that prosecution be reopened will be treated as a request to withdraw the appeal.

(2) Maintain appeal. Request that the appeal be maintained by filing a reply brief as set forth in 37 CFR 41.41. Such a reply brief must address each new ground of rejection as set forth in 37 CFR 41.37(c)(1)(vii) and should be in compliance with the other requirements of 37 CFR 41.37(c). If a reply brief filed pursuant to 37 CFR 41.39(b)(2) is accompanied by any amendment, affidavit or other evidence, it shall be treated as a request that prosecution be reopened before the primary examiner under 37 CFR 41.39(b)(1).

Extensions of time under 37 CFR 1.136(a) are not applicable to the TWO MONTH time period set forth above. See 37 CFR 1.136(b) for extensions of time to reply for patent applications and 37 CFR 1.550(c) for extensions of time to reply for ex parte reexamination proceedings.

Respectfully submitted,

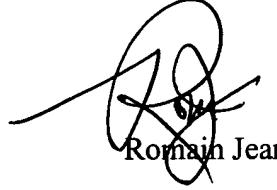
Johnna Loftis

A Technology Center Director or designee must personally approve the new ground(s) of rejection set forth in section (9) above by signing below:

Tariq Hafiz

Conferees:


Tariq Hafiz


Romain Jeanty


TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600